IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7496 OF 2007

Mr.Cletus Gonsalves ...Petitioners
Versus
Joes Miranda ....Respondent no.1
AND
Bombay Municipal Corporation ...Respondent no.2.

WRIT PETITION NO. 7498 OF 2007

Mr.Cletus Gonsalves ...Petitioners
Versus
Pannalal Bherumal Pamecha ....Respondent no.1
AND
Bombay Municipal Corporation ...Respondent no.2.

WRIT PETITION NO. 7504 OF 2007

Mr.Cletus Gonsalves ...Petitioners
Versus
Ashok Kumar M.Bafna ....Respondent no.1
AND
Bombay Municipal Corporation ...Respondent no.2.

WRIT PETITION NO. 7499 OF 2007

Mr.Cletus Gonsalves ...Petitioners
Versus
Dilip Satra ....Respondent no.1
AND
Bombay Municipal Corporation ...Respondent no.2.

Petitioner in person.

CORAM: S.C.DHARMADHIKARI, J.

7th December, 2007.

P.C. :

1. All that the Trial Court does is rejecting the an application for joinder of the petitioner as party defendant in a suit which is filed by the respondents. Having perused the orders impugned in this petition, I am satisfied that no prejudice is caused to the petitioners because the Trial court has observed that the remedy of the petitioner is to file his own Suit and claim all such reliefs as are permissible in law therein. He cannot implead himself as a party in a suit which is filed by the respondents. It is not as if, by such an order any rights of the petitioner are taken away or affected adversely. In a suit that he proposes to file, he can raise all pleas including that the suit filed by the respondents is an attempt to encroach upon his property and his property cannot be encroached and his possession disturbed in an unlawful manner. All pleas are open for being raised and it is not as if by the orders under challenge, any opinion is expressed with regard thereto. Be that as it may, the Trial Court in the fresh suit shall pass appropriate orders without being influenced by its observations in the joinder application filed by the petitioner. Petition dismissed with these clarifications. No

costs. sd/-

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